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IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
EUGENE DIVISION

**MICHAEL PERKINS,**

Civil No.: 6:15-cv-01036-AA

Plaintiff,

v.

**STIPULATED ORDER OF  
DISMISSAL OF CLAIMS  
PURSUANT TO FED. R. CIV. P. 41**

**OREGON DEPARTMENT OF  
CONSUMER AND BUSINESS  
SERVICES, BUILDING CODES DIVISION  
and SHANE SUMPTION in his individual  
capacity,**

Defendants.

All parties to this action having stipulated through their attorneys pursuant to Fed. R. Civ. P. 41, it is hereby ORDERED that:

1. Plaintiff's Third Claim for Relief alleging age discrimination under ORS 659A.030, Fourth Claim for Relief alleging whistleblowing under ORS 659A.199 *et. seq.*, Fifth Claim for Relief alleging whistleblowing under ORS 659A.203 *et. seq.*, Seventh Claim for Relief alleging discrimination against injured workers under ORS 659A.040, *et. seq.*, Eighth Claim for Relief alleging wrongful discharge and Ninth Claim for Relief alleging discrimination on the basis of disability under ORS 659A.112, are involuntarily dismissed without prejudice on the basis of Eleventh Amendment Immunity and may be refiled in state court pursuant to ORS 12.220;
2. Plaintiff's First Claim for Relief alleging violation of due process under 42 USC § 1983 is dismissed without prejudice based upon the agreement of the parties and may be refiled in state court; and
3. Plaintiff's Second Claim for Relief for discrimination on the basis of age under the ADEA, 29 U.S.C. §§ 623, *et. seq.* and Sixth Claim for Relief for discrimination on

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the basis of disability under the ADA, 42 U.S.C., 42 U.S.C. § 12101, *et. seq.*, are dismissed with prejudice.

Dated this 21 day of October, 2015



Honorable Ann L. Aiken  
Chief Judge, United States District Court for Oregon

**IT IS SO STIPULATED**

/s/ Jane W. Stebbins

Jane W. Stebbins, OSB 144376  
Attorney for Plaintiff

/s/ Loren W. Collins

Loren W. Collins, OSB 822213  
Attorney for Plaintiff

/s/ Jessica Spooner

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